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In re Application of:

Robert Victor JONES

Application No.: 10/598,111

PCT Application No.: PCT/AU2005/00221

Int. Filing Date: 15 February 2005

Priority Date: 19 February 2004

Attorney's Docket No.: -None-

For: CAMERA SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is in response to the "Renewed Petition Under 37 C.F.R. §1.137(b)," filed 06 February 2008.

BACKGROUND

On 10 December 2007, a Decision dismissing applicant's petition under 37 CFR 1.137(b) was mailed. The Decision indicated that petitioner failed to provide the required reply required under 37 CFR 1.137(b). Specifically, petitioner failed to provide a properly executed declaration in compliance with 37 CFR 1.497(d), as the inventorship identified on the declaration does not correspond with the inventorship identified in the international phase of the international application.

On 06 February 2008, the present renewed petition under 37 CFR 1.137(b) was filed, accompanied by a "Statutory Declaration".

DISCUSSION

Pursuant to 37 CFR 1.137(b), a petition to revive the present application based upon unintentional abandonment must include: (1) the proper reply, unless previously filed; (2) the petition fee under 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With respect to item (1), petitioner still has not provided the required reply. As indicated in the prior decision, correction of inventorship is by way of compliance with the provisions of 37 CFR 1.497(d). The "Statutory Declaration" submitted with the renewed petition does not comply with the provisions of 37 CFR 1.497(d) for correcting inventorship. A statement from the inventor to be added is required. See 37 CFR 1.497(d)(1). In addition, if there is an assignee, written consent for the correction from the assignee is required. See 37 CFR

1.497(d)(3). The processing fee required under 37 CFR 1.497(d)(2) will be charged to counsel's deposit account 19-0450, as authorized in the communication filed 26 November 2007.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper reply in the present case would be a renewed petition under 37 CFR 1.137(b) accompanied by a proper request under 37 CFR 1.497(d) to correct inventorship. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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